

1 Article 3.

2 Presumptions in Civil Actions and Proceedings.

3 **Rule 301. Presumptions in general in civil actions and proceedings.**

4 In all civil actions and proceedings when not otherwise provided for by statute, by judicial
5 decision, or by these rules, a presumption imposes on the party against whom it is directed the
6 burden of going forward with evidence to rebut or meet the presumption, but does not shift to
7 such party the burden of proof in the sense of the risk of nonpersuasion, which remains
8 throughout the trial upon the party on whom it was originally cast. The burden of going
9 forward is satisfied by the introduction of evidence sufficient to permit reasonable minds to
10 conclude that the presumed fact does not exist. If the party against whom a presumption
11 operates fails to meet the burden of producing evidence, the presumed fact shall be deemed
12 proved, and the court shall instruct the jury accordingly. When the burden of producing
13 evidence to meet a presumption is satisfied, the court must instruct the jury that it may, but is
14 not required to, infer the existence of the presumed fact from the proved fact. (1983, c. 701, s.
15 1.)
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17 **Rule 302. Applicability of federal law in civil actions and proceedings.**

18 In civil actions and proceedings, the effect of a presumption respecting a fact which is an
19 element of a claim or defense as to which federal law supplies the rule of decision is
20 determined in accordance with federal law. (1983, c. 701, s. 1.)